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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-68

13 **JAYSON SERAPIO PATRICIO**  
14 **19127 Benfield Avenue**  
15 **Cerritos, CA 90703**

**ACCUSATION**

16 **Registered Nurse License No. RN 626100**

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
21 of Consumer Affairs.

22 2. On or about September 16, 2003, the Board of Registered Nursing (Board) issued  
23 Registered Nurse License No. RN 626100 to Jayson Serapio Patricio (Respondent). The  
24 Registered Nurse License was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on August 31, 2011, unless renewed.

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1       6.     Section 2750 states:

2       "Every certificate holder or licensee, including licensees holding temporary licenses, or  
3 licensees holding licenses placed in an inactive status, may be disciplined as provided in this  
4 article [Article 3 of the Nursing Practice Act (Bus. & Prof Code, § 2700 et seq.)]. As used in this  
5 article, "license" includes certificate, registration, or any other authorization to engage in practice  
6 regulated by this chapter. The proceedings under this article shall be conducted in accordance  
7 with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the  
8 Government Code [the Administrative Procedure Act], and the board shall have all the powers  
9 granted therein."

10       7.     Section 2761 states:

11       "The board may take disciplinary action against a certified or licensed nurse or deny an  
12 application for a certificate or license for any of the following:

13       "(a) Unprofessional conduct, which includes, but is not limited to, the following:

14       .....

15       "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
16 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice  
17 Act] or regulations adopted pursuant to it."

#### 18                                   REGULATORY PROVISIONS

19       8.     California Code of Regulations, title 16, section 1444, states:

20       "A conviction or act shall be considered to be substantially related to the qualifications,  
21 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
22 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
23 safety, or welfare. . ."

#### 24                                   COST RECOVERY

25       9.     Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
26 administrative law judge to direct a licentiate found to have committed a violation or violations of  
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
28 enforcement of the case.

1 FIRST CAUSE FOR DISCIPLINE

2 (Insurance Fraud)

3 10. Respondent is subject to disciplinary action under section 2761, subdivision (a)(1), in  
4 conjunction with California Code of Regulations, title 16, section 1444, for Insurance Fraud, in  
5 that on or about January 9, 2008 and January 28, 2008, while working as a registered nurse for  
6 Trinity Care Extended Care, Respondent falsified Medi-Cal patients records by documenting  
7 home visits and head to toe assessments he did not conduct. Respondent also made up clinical  
8 notes and billing records, on these dates.

9 SECOND CAUSE FOR DISCIPLINE

10 (Unprofessional Conduct)

11 11. Respondent is subject to disciplinary action under sections 2750 and 810, subdivision  
12 (a)(2) for unprofessional conduct as defined in section 2761, subdivision (a), in that while  
13 working as a registered nurse, at Trinity Care Extended Care, on January 9, 2008 and January 28,  
14 2008, Respondent acted in an unprofessional manner when he falsified patients' records and  
15 made up clinical notes and billing records. Complainant refers to, and by this reference  
16 incorporates, the allegations set forth in paragraph 10, as though set forth fully.

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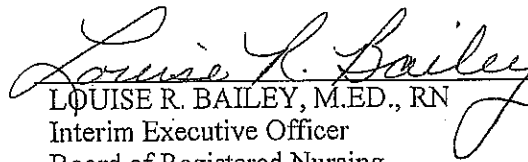
PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Registered Nurse License No. RN 626100, issued to Jayson Serapio Patricio;
2. Ordering Jayson Serapio Patricio to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

7/20/10

  
LOUISE R. BAILEY, M.Ed., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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